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Periodic reports of States parties due in 1997

NICARAGUA

Supplementary report*

[19 March 1999]

* This report contains information supplementing the second periodic report submitted by Nicaragua (CRC/C/65/Add.4).

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INTRODUCTION

1. The State party hereby submits information supplementing the second report on the situation with regard to the rights of children and adolescents in Nicaragua, which was submitted to the Committee on the Rights of the Child in 1997. There are two main reasons for this further submission: the government authorities had only recently taken office in 1997 and since then there have been socio-legal changes in the situation of children and adolescents.

2. One of the main changes benefiting children has been the approval and publication of the Code on Children and Adolescents, which has given rise to a great deal of work on its implementation in governmental and non-governmental institutions and in civil society as a whole.

3. Although the country's economic situation is not ideal for socio-legal changes to improve the situation of children and adolescents, a situation which was aggravated by the effects of hurricane Mitch, Nicaragua has continued the process of giving effect to the Convention on the Rights of the Child and hence the implementation of the new legislation for this social group.

4. The Code on Children and Adolescents is being viewed as a societal project aimed at the transformation of the country, in which all sectors have an important role to play but which requires international support, assistance and cooperation in giving effect to the rights of children, who make up 53 per cent of the Nicaraguan population.

5. The progress made during the period from the submission of the second report until January 1999 is described below. This supplement keeps to the structure of the second report, and a section is added relating to the effects of hurricane Mitch on Nicaraguan children and a number of laws.

6. In this connection, this report should be placed in context and so a number of macroeconomic indicators and health and education indicators are mentioned so as to provide a very general background to the current situation.

7. The national economic situation is characterized by economic restructuring, which entails measures by the Reinforced Structural Adjustment Service, restrictions on fiscal policy, and the initiation of modernization and reform of the State in conformity with the law as a means of reducing the fiscal deficit.

8. In 1997 social expenditure accounted for 27 per cent of the Republic's general budget, and the figure for 1998 showed little change. The table below shows the principal macroeconomic variables for the years 1994-1997.

Principal macroeconomic variables

Economic activity	1994	1995	1996	1997
Real GDP (percentage growth)	3.3	4.3	4.7	5.1
Per capita GDP (percentage growth)	0.2	1.2	1.6	2.0
Unemployment (percentage of EAP)	17.1	16.9	16.0	14.3

Source: Central Bank of Nicaragua, Economic indicators, October 1998, Managua.

9. In the health sector, there was a decrease in infant mortality over this period from 58.0 per 1,000 live births to 43.4 per 1,000. This progress is attributable to a number of actions such as the strengthening of primary care, investment in preventive health care, health education, etc. In addition, coverage by the Growth and Development Monitoring Programme increased from 42.9 per cent to 49.8 per cent for children under the age of six.

10. Mention should be made of the work done with mothers concerning the handling of food and water and hygiene in the home, and the development of a campaign to improve eating habits.

11. In the field of education, by 1998 the primary curriculum reform had been implemented in about 98 per cent of schools, with resultant benefits for pupils at this level. Pre-school enrolment increased from 17.2 per cent to 24.58 per cent, and the enrolment of boys and girls in rural areas increased, with the result that there are now no substantial differences between enrolment in rural and urban areas.

1. GENERAL MEASURES OF IMPLEMENTATION

1.1 Legislation: Code on Children and Adolescents

12. On 24 March 1998, the National Assembly adopted Act No. 287, which contains the Code on Children and Adolescents and was published in the official journal, La Gaceta, on 27 May 1998. It entered into effect six months after its publication on 23 November 1998.

13. The Code establishes a number of minimum requirements for its implementation. These include:

(a) Civil, political, economic, social and cultural rights, and the right to live in a family:

(i) Organization of a National Council for the Integrated Care and Protection of Children and Adolescents as the managing organ of the National Policy for the Integrated Care of Children and Adolescents (art. 62);

(ii) Establishment of the Office of the Defender of the Rights of Children and Adolescents, as a service to be provided by the Council for the promotion, defence and protection of their rights (art. 63);

(iii) An administrative authority providing special protection for children and adolescents in a situation of social risk that jeopardizes their rights. The authority is to set up alternative non-custodial programmes for young offenders (art. 80);

(iv) Administrative reforms within each governmental agency executing programmes for the benefit of children and adolescents, in conformity with the principle of the best interests of the child.

(b) Specialized criminal justice for adolescents alleged to have broken the law:

(i) Establishment of juvenile courts in all departments and the two autonomous regions on the Atlantic coast, numbering 18 in all (art. 113);

(ii) Designation of judges to deal with cases in which adolescents are alleged to have broken the law;

(iii) Specialized training for judges, prosecutors and police officers in the functions and powers conferred on them by the Code;

(iv) Establishment of a Public Defender's Office to guarantee the principle of defence in criminal proceedings against adolescents (art. 230);

(v) Establishment of an office for the execution and supervision of measures for every juvenile court (art. 208);

(vi) Training and appointment of an interdisciplinary support team for juvenile court judges (art. 167);

(vii) Establishment of two specialized centres for detained young offenders (art. 214);

(viii) Establishment of specific areas for adolescents held in custody by the police during the 24 hour period stipulated by the Code in cases of flagrancy (art. 111).

14. The approval of the Code has initiated a process of establishing the foundations or minimum conditions required for its proper implementation, with regard to material, human and financial resources, infrastructure for the

establishment of specialized centres for juvenile detainees, and training for police officers, prosecutors, future judges and staff of the special protection body, which forms part of the recently established Ministry of the Family.

15. During the period prior to the Code's entry into force, the National Commission for the Promotion and Defence of the Rights of the Child coordinated the above-mentioned process in order to facilitate its implementation, particularly in respect of specialized justice for adolescents alleged to have broken the law.

16. In this connection, the National Commission established:

(a) An Inter-agency Committee for the implementation of Book III of the Code relating to the system of specialized criminal justice for adolescents, comprising representatives of the Supreme Court of Justice, the Attorney-General's Office, the National Police, the National Prison System and the Ministry of the Family;

(b) An Inter-agency Technical Committee on the formulation of the Bill relating to the National Council for the Integrated Care and Protection of Children and Adolescents and the Defender's Office. The Committee is made up of representatives of the Ministry of the Family, the Ministry of Education, the Ministry of Health, the Ministry of the Interior, the National Police, the National Prison System, the Nicaraguan Social Security Institute, non-governmental organizations (NGOs) working with children, the Catholic Church, humanitarian organizations and private enterprise.

17. Article 56 of the Code stipulates that the National Policy for the Integrated Care of Children and Adolescents is of a public nature and shall be formulated and executed through a multisectoral council established by the State, responsibility being shared between the Government and the various institutions of organized civil society, and with the active participation of families, schools, communities, children and adolescents.

18. In addition, article 62 of the Code provides for the establishment of the National Council for the Integrated Care and Protection of Children and Adolescents, and stipulates that it shall be composed of representatives of governmental organizations and civil society.

19. Article 63 provides for the establishment of the Office of the Defender of Children and Adolescents as a service of the National Council, whose main aim shall be the promotion and protection of the rights of children and adolescents as recognized in the Code.

20. The Council will be responsible for coordination between the various State agencies and between these agencies and civil society, creating for this purpose the necessary areas in which all parties involved in the policy act in harmony, with the aim of contributing to complementarity of activities, unifying criteria, avoiding duplication and optimizing resources.

21. The Council will coordinate the efforts being made in support of children and adolescents by the various governmental and non-governmental institutions, and will ensure that in all activities the principle of the best interests of the child or adolescent is paramount.

22. The Defender's Office, as a service of the Council, will provide institutional and social defence vis-à-vis the various agencies of the central Government, municipal governments, the governments of the autonomous regions and NGOs.

23. The Office's principal function will be to ensure that government agencies and NGOs executing programmes in aid of children and adolescents discharge their responsibilities and implement the provisions of the Code and other relevant legislation.

24. The Bill relating to the organization and functioning of the Council was drafted after a series of working meetings with expert representatives of the above-mentioned government agencies and organized civil society.

25. Nicaragua has taken a significant step forward in implementing the Convention on the Rights of the Child through the adoption of the Code on Children and Adolescents; it should nevertheless be pointed out that financial and human resources are needed for its effective implementation.

26. The NGOs share responsibility with the Government for implementing the Code and, in this respect, they have played an active part in the various committees which have been set up for this purpose.

Progress in implementation of the Code

1. Publicity and training:

(a) Training for 400 police officers in the country's main departments - León, Rivas, Carazo, Matagalpa, Estelí and Granada;

(b) Training for 40 members of the National Council of the National Police, 80 public security chiefs, and 200 teachers and instructors of the National Police Academy;

(c) Workshop on the implementation of Book III of the Code for 95 persons associated with the system of juvenile criminal justice from the Supreme Court of Justice, prosecutors, and officials from the Ministry of the Family, the Ministry of Education and the National Police, with the aim of facilitating coordination and the identification of activities;

(d) Courses on the Code for representatives of the press, radio and television.

27. In this process, account has been taken of the publication of the complete text of the Code, as well as a popular version for children and adolescents, and the National Policy for the Integrated Care of Children and

Adolescents, lectures and seminars not only for law enforcement officials but also for teachers and other persons active in society, including children and young people.

28. To this end 13,000 copies of the Code on Children and Adolescents were printed in support of the training and publicity activities.

29. Stress should also be laid on the project aimed at the institutional strengthening of the Nicaraguan National Police and the Police Academy vis-à-vis the protection of the rights of children; the project's primary objective is to strengthen the academic, technical and operational capacity of the National Police with regard to the promotion and protection of the rights of the child.

30. The project's main achievements to date are:

(a) Full incorporation of an education module on "human rights of children and adolescents" in the Police Academy curriculum, intended for the various levels of training provided by the Academy (policemen, non-commissioned and commissioned officers);

(b) Compilation of a manual on police procedure with regard to the care of children, based on the Code on Children and Adolescents, outlining police functions relating to the prevention and investigation of crime, and also the treatment of children and adolescents at risk;

(c) Institutional coordination between the police and governmental and non-governmental organizations working with children on the execution of activities of mutual interest.

31. In 1998, the National Police completed its activities with the National Forum on the Police and the Rights of Children and Adolescents, which was attended by 220 representatives of various State agencies, civil society, the National Police itself and young people's organizations.

2. Diagnoses and studies

32. Execution of a cost study for the purposes of the implementation of the Code with the following objectives:

(a) Identify and indicate existing resources which may be used for the purposes of its implementation;

(b) Determine material needs, human resources, training and infrastructure which should be used for the enforcement of the new legislation on children and adolescents;

(c) Institute legislative and administrative amendments to supplement implementation of the Code;

(d) Identify approximate costs relating to implementation of the Code.

3. Legislative amendments to supplement the Code

33. The principal legal requirement for strengthening the provisions of the Code involves the proposed law on the organization and functioning of the National Council for the Integrated Care and Protection of Children and Adolescents. This bill is currently before the National Assembly for discussion and approval.

34. As a subordinate body of this Council, the Office of the Defender of Children and Adolescents has been established; it is expected to become operational this year, following enactment of the above-mentioned bill.

1.2 National Plan of Action for Children and Adolescents for the five-year period 1997-2001

35. As stated in the second report, the National Plan of Action for Children and Adolescents was published in 1996 and put into effect early in 1997, thereby coinciding with the inauguration of the new Government. It was accordingly felt desirable to revise the goals set in accordance with new priorities and existing resources.

36. Thus, December 1998 saw the completion of the revision and updating of the goals established in the Plan of Action for Children and Adolescents for the five-year period 1997-2001 through the Inter-Agency Technical Committee (CTI) organized by the Commission on the Child and composed of representatives of governmental and non-governmental organizations. This activity enabled precise working procedures to be defined and the CTI to be strengthened.

37. The updating includes a timetable for monitoring the Plan, the role to be played by each agency in attaining the goals set and their commitments with regard to reporting to the Commission on the Child, which will enable progress to be gauged (updated goals annexed*).

1.3 National Council for the Integrated Care of Disabled Children (CONAINID)

38. This Council came into being through an executive decree issued in 1995. Its aim is to promote the well-being and integration (in the community, school and the workplace) of disabled children. It is composed of representatives of governmental and non-governmental institutions working with children suffering from physical or mental disabilities.

39. The CONAINID is in fact a member of the Regional Council for the Integrated Care of Disabled Children (CORAMED). As a member of the CORAMED, it has formulated a plan aimed at publicizing the special needs of these children throughout Central America. The plan comprises radio announcements, posters, pamphlets and a roadside billboard.

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* The annexes may be consulted in the secretariat's archives.

40. The CONAINID is chaired by the Deputy Minister within the Ministry of Education, which comprises a Department of Special Education. It works in two areas: education and publicity to increase understanding and support for disabled persons, so as to facilitate the acquisition of knowledge, values, abilities and skills that will enable them to attain partial or complete autonomy and thereby become actively integrated in the family, the workplace and society in general.

41. It undertakes four types of care activities:

(a) Community care;

(b) Special schools;

(c) Integrated classes;

(d) Integration in the workplace and school.

42. Pupils may be placed in any of the above-mentioned special services by teachers who undertake an evaluation on the basis of the results of psychological and educational tests. There are 24 State-run special schools and two private schools. Coverage is relatively low, accounting for just 1.4 per cent of total demand.

43. One of the greatest problems faced by these children is the non-existence of educational policies that ensure the integration of children and young people with disabilities and special educational needs in ordinary schools. This gives rise to duplication and dispersal of activities within the education system in relation to the care of this group.

44. In addition, teachers lack the necessary training to deal with the special needs of these pupils and encounter serious difficulties in applying active methodologies and personalized care.

45. Some progress in the care of these children has nevertheless been achieved: coordination with various governmental and non-governmental institutions and organizations; implementation of the Community-Based Rehabilitation Strategy; and greater sensitization and involvement of the intermediate educational bodies in support of the special educational services.

2. DEFINITION OF THE CHILD

46. Given that children and adolescents account for just over half (approximately 53 per cent) of the total population of Nicaragua, the Code on Children and Adolescents constitutes a legal instrument which obliges the family, society, the State and private institutions to recognize them as subjects of rights.

47. In this connection, article 2 of the Code defines children as persons who have not yet reached the age of 13, and adolescents as persons between the ages of 13 and 18.

48. Nevertheless, the Civil Code, which establishes that the age of majority is attained at 21 by both men and women, is still in force. Consequently, the scope of the protection provided by the new legislation extends up to the age of 18.

49. In addition, other legal provisions which establish different age limits for various legal acts and were already mentioned in the second report remain in force.

50. Supplementing the definition of the child contained in article 2 of the Code on Children and Adolescents is recognition that every child and adolescent is a member of society and a subject of law, and hence is entitled to play an active part in all spheres of social and legal life, with no limitations other than those established by law.

3. CIVIL RIGHTS AND FREEDOMS

3.1 Measures relating to the Committee's special recommendation on the right to a name and nationality

51. Until now the right to a name has not been reflected in any legal enactment; however, with the adoption of the new Code on Children and Adolescents the right to have one's own name has been recognized. In this connection, article 13 of the Code stipulates:

> "From the time they are born, children shall have the right to a nationality in accordance with the requirements and procedures established in the Constitution and the law on the subject, the right to have their own name, the right to know their mother and father, and the right to be cared for by them. The State shall respect the right of children and adolescents to preserve their identity, including nationality, name and family relationships in conformity with the law.
>
> "In no circumstances may a child or adolescent be illegally deprived of any or all of the elements of their identity; the State shall guarantee appropriate assistance and protection.
>
> "Children shall be entered in the register of births within the time limits set by the law on the question. The State shall guarantee prompt and accessible procedures for registration and shall issue the first birth certificate free of charge."

52. In addition, the Code obliges hospitals, health units and other public facilities to issue the declaration of birth in accordance with provisions established by the Ministry of Health.

4. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

4.1 Institutional amendments in the context of the reform and modernization of the State

53. On 27 March 1998, the National Assembly approved the Executive Authority (Organization, Competence and Procedure) Act as a step in the process of

reform and modernization of the public sector initiated in 1992 in view of the need to reduce the number of central government institutions and the distribution of ministerial competence and thereby strengthen the country's institutions, while at the same time building a State which provides services on a subsidiary basis.

54. The above-mentioned Act (No. 290) was published in La Gaceta of 3 June 1998 and entered into force on 1 September of that year.

55. In article 12 the Act establishes the various Ministries of State, including the Ministry of the Family as the administrative authority responsible for "proposing and executing policies that will help to fully resolve the situation of helpless and abandoned children". These will be based on the special protection policies stipulated in the National Policy for the Integrated Care of Children and Adolescents approved in 1996.

56. For its part, the Code on Children and Adolescents confers on the Ministry of the Family, as the administrative authority, the powers to formulate and execute programmes for children at risk, and to act as conciliator in cases involving the maintenance and custody of children and adolescents.

57. In addition, under the provisions of the Adoption Act, the Ministry of the Family will be responsible for the whole of the administrative procedure relating to adoption, notwithstanding the fact that the Adoption Act of 1981 needs to be revised in order to bring it into line with the Convention on the Rights of the Child and the Code.

58. Act No. 290 also modified the structure and organizations of other bodies in the public sector, such as the Ministry of Education, which has absorbed as decentralized bodies the Cultural Institute and the Nicaraguan Youth and Sports Institute, and is now known as the Ministry of Education, Culture and Sport.

59. This Ministry has the following principal functions in relation to children and adolescents:

(a) It proposes national education policy, plans and programmes, and organizes their execution;

(b) It promotes sport and culture in all their forms;

(c) It formulates, promotes, encourages and executes programmes, projects and policies in areas which ensure the full participation and development of young people.

60. In this process of reform and modernization of the public sector, Act No. 290 abolished the Ministry of Social Services. It has, however, been replaced by the Secretariat for Social Services, which will continue to execute social service policies in conjunction with the Ministry of the Family.

5. SPECIAL MEASURES OF PROTECTION

61 Under this heading the State party considers it appropriate to enlarge on the information provided in the second report, since a number of bodies coordinating activities for children have been consolidated and projects have been executed for the benefit of children who are in a special situation.

5.1 Child labour

62. The National Commission for the Progressive Eradication of Child Labour and Protection of Child Workers, which was established in April 1997 and held its first meeting in August of that year, is composed of representatives of various organizations and institutions.

63. Its purpose is to endeavour to protect children from any intolerable form of exploitation. It has initiated urgent activities with the aim of eradicating such exploitation, seeking alternatives and/or procedures which will enable working children and adolescents to receive formal education, special protection and protection in the workplace, the latter to be provided in the cases permitted under the Labour Code.

64. In this context, one and a half years after its establishment the Commission has been strengthened, with the result that it now has a plan of action comprising four components and five programmes.

65. We describe below the main components of the plan of action, which will be undertaken by the Ministry of Labour with the support of UNICEF and the International Programme on the Elimination of Child Labour (IPEC-ILO):

(a) Analysis of the situation with regard to child labour in Nicaragua through diagnoses in the agricultural-export fields, together with special inspections of working conditions, health and safety specifically for working children; these inspections involve municipal bodies and authorities, departmental commissions on children, trade unions and producers;

(b) Publicity and training through workshops, seminars, forums, debates, round-table discussions, poster competitions, etc., which help to increase public awareness;

(c) Action programmes aimed at working children and adolescents by organizations and institutions working with children;

(d) Implementation of labour standards for working children and adolescents.

66. The various projects are financed by IPEC-ILO and UNICEF. These projects are as follows:

(a) Projects on alternative means of generating family income (Managua);

(b) Care of working children and adolescents in danger of financial and sexual exploitation at the coach terminal and Santos Bárcenas market in León;

(c) Care of child and adolescent vendors in danger of sexual exploitation at the coach terminal in León;

(d) Care of children and adolescents working at the municipal dump at Fortín de Acosaco in León;

(e) Young vendors of maize-derived products belonging to the indigenous people of Subtiava (León).

67. In the area of publicity, reference should be made to the initiation of the national campaign for the gradual eradication of child labour and the promotion of education as the best alternative for Nicaraguan children, whose theme is "Working boys and girls must study in order to have a better life". It is being executed by the Ministry of Labour with the support of UNICEF.

68. In addition, there is the work plan for 1999, which comprises, inter alia, further study and analysis of the child labour situation in Nicaragua and the formulation of specific policies for this sector, and also the analysis of legal provisions in order to identify shortcomings and seek solutions.

5.2 Information on children and adolescents alleged to have broken the law

69. With the approval and entry into force of the Code on Children and Adolescents, the Child Protection Act in force since 1974, which was based on the "irregular situation" doctrine, has been repealed.

70. This has put an end at the juridical and formal levels to the juridical ambiguity between the Convention and the Child Protection Act to which we referred in the second report.

71. In fact, Book III of the Code contains the system of specialized criminal justice for adolescents who break the law. This system is based on the general principles contained in articles 37 and 40 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Guidelines for the Prevention of Juvenile Delinquency.

72. The specialized criminal justice system will be applied solely to adolescents, i.e. to all persons over 13 and under 18 years of age.

73. However, there are differences with regard to the age groups. Persons under 13 years of age will not be subject to criminal justice; it is now forbidden to submit them to any trial and to apply measures depriving them of their liberty.

74. Under the new legislation they will come under special protection measures, for which the new Ministry of the Family is the responsible administrative body.

75. Juvenile criminal justice is a system of procedural guarantees under the responsibility of authorities specializing in the human rights of children and adolescents.

76. While it is true that children in the 13-15 age group will be liable to criminal proceedings, they may in no circumstances be punished by custodial measures. They must be the subject of socio-educational measures or guidance and supervision.

77. Adolescents aged 15-18 may be punished not only by means of socio-educational measures and guidance and supervision, but also by making them subject to juvenile criminal justice, which involves deprivation of liberty. The maximum penalty laid down in the Code is six years' imprisonment.

78. Article 203 of the Code sets out the offences that carry a custodial sentence based on the criterion of severity or importance gauged by the effect on society.

79. The system of juvenile criminal justice is based on the principles of the best interests of the child, recognition and observance of the rights of the child, integrated training and protection, reintegration into the family and society, and guarantees of due process.

80. At the time of drafting this supplementary information or addendum to the second report submitted to the Committee on the Rights of the Child, gradual application of the system of juvenile criminal justice has been under way for two months; the entire system will be in place by November of this year.

81. The Supreme Court of Justice, the highest judicial body has appointed two specialized judges, one serving in Managua, the capital of the Republic and the other in the city of Dario in the north of the country.

82. The other criminal judges who try cases under the ordinary law will deal not only with cases involving adults but also those involving adolescents under the procedure set out in Book III of the Code pending the establishment of all the courts required for the application of the system of specialized criminal justice.

83. It is important to point out that the implementation and application of the juvenile criminal justice system involves joint efforts by the Ministry of the Interior (National Police, National Prison System), the Attorney-General's Office, the Ministry of Family Affairs and the judiciary.

84. These institutions have taken part in seminars on the content of the Code organized by the Commission on the Child in order to create awareness of the new juvenile justice system for adolescents.

5.3 Measures relating to juvenile detainees

85. According to figures supplied by the National Prison System, in September 1988 the juvenile prison population consisted of 476 adolescents aged 15-18. The majority were in Tipitapa prison, which is situated 15 kilometres from the capital and has the country's largest prison population.

86. We consider it important to draw attention to some of the results of the socio-educational diagnosis carried out by the National Commission for the Promotion and Defence of the Rights of the Child, with financial support from the European Union, among juveniles held in Tipitapa prison.

87. The principal results of this diagnosis concerning the characteristics of juvenile detainees are as follows:

(a) The adolescent population is heterogeneous as regards levels of education, personality and socio-economic background;

(b) A high percentage of detainees had been street children, members of gangs, with inadequate habits and customs that make it difficult for them to maintain good relations in the wing where they are held;

(c) As regards the parents of detainees, 71.04 per cent work in the informal sector, 20.76 per cent work in the formal sector and only 8.2 per cent are unemployed;

(d) 37.15 per cent of the homes of detainees have an income between C$ 501 (approximately US$ [illegible]) and C$ 1,000 (approximately US$ 100), while in 40.98 per cent of homes the mother is the head of the family.

88. With regard to the educational level of convicted and unconvicted adolescents, the diagnosis shows that they are not illiterate, contrary to what many sectors of society believe.

89. According to a joint study by the National Commission for the Promotion and Defence of the Rights of the Child and UNICEF, during the period 1993-1997 there was a total of 1,294 adolescents: of these, 315 were illiterate, while 634 had primary education and 317 had secondary education.

90. The data on the offences committed by adolescents under 18 years of age who were detained in July 1998 show that 188 were male and 4 female.

91. The most common offences were offences against property, with 110 cases, including 74 cases of theft, all committed by males.

92. Offences against persons occupy second place with 74 cases, among which the offences of bodily injury and rape were the most common.

93. The National Prison System supplies information on the types of sentences imposed on those deprived of liberty. According to data supplied by the prison authorities, out of a total of 192 adolescents in July 1998, 42 had been sentenced to imprisonment for less than one year, 83 were serving

sentences of 1 to 5 years, 35 had sentences of 5 to 10 years, 9 had sentences of 10 to 15 years, 13 had sentences of 15 to 20 years, 2 had sentences of 25 to 30 years, and 3 had sentences of 30 years.

94. The sentences of over 20 years had been imposed for serious offences such as rape, homicide, aggravated homicide and parricide.

95. The majority of juvenile detainees were serving sentences of 1 to 10 years, for offences that are not regarded as highly dangerous.

96. In July 1998, the National Prison System reported the detention of 250 unconvicted adolescents. The trials of many of them have been delayed, in a high percentage of cases because they are waiting for their cases to come before the court that will hand down the verdict of innocent or guilty.

97. However, with the recent introduction of the system of juvenile criminal justice, trial by jury will no longer apply to adolescents who are charged with breaking the law; this will expedite proceedings against such adolescents, particularly since according to the Code the proceedings must not last more than three months.

98. In the case of the unconvicted adolescents, the most frequent offences are offences against property - theft - with 176 offences. In second place come offences against persons, and among these injuries and rape predominate, with 23 cases each.

99. Article 226 of the Code stipulates that the cases of adolescents with an enforceable sentence, and who are serving the sentence, will be reviewed with regard to the duration of the sentence so as to bring it into line with the Code.

100. Article 227 of the Code stipulates that juvenile detainees must be relocated to an appropriate centre, that is, a specialized centre for juvenile detainees in which they are kept completely separate from adults.

101. In this connection, it is important to draw attention to the project for "integrated support for the juvenile prison population of Nicaragua" being conducted by the National Commission for the Promotion and Defence of the Rights of the Child in conjunction with the Prison System and with the support of the European Union.

102. This project is designed to cater for a population of 202 adolescents who are housed in wing No. 7 of Tipitapa prison.

103. The general objective of the project is to make an integrated contribution to rectify shortcomings in the legal, social, psychological and training areas for the prison population aged 15 to 18 years, with a view to preparing them for reintegration into society, to maintaining security and internal order, and to motivating the prisoners and the prison staff with regard to the different treatment received by adolescents as compared with the adult population and the design and implementation of a humane and educational prison system.

104. The project is designed to improve infrastructure and equipment in the juvenile detainees' wing, and to promote their behavioural and motivational rehabilitation with a view to their integration into society.

105. Other objectives are the development of the prisoners' self-esteem through their integration and cooperation in, and performance of, activities involving training, education, cleanliness and hygiene.

106. It should also be stressed that by means of the project the authorities hope to re-establish the family and social relationships of juvenile detainees.

107. One of the project's components is the technical and scientific training and instruction of the prison personnel dealing with juvenile detainees, and courses on the rights of children and adolescents.

108. Up to August 1998 the following project activities had been undertaken:

(a) Refurbishment of wing No. 7 in which the juvenile detainees are housed;

(b) Medical and psychological care of the group targeted by the project;

(c) Group care in the areas of self-esteem, rights and duties of juvenile detainees, respect for prison officers and cell-mates;

(d) Legal assistance and advice on procedures and initiation of their trials in the courts when they do not have a defence counsel.

109. The project also promotes artistic and cultural activities among the juvenile prison population; at present 52 juvenile detainees are taking part in various activities such as dance groups, singing, choirs and drama.

110. The project entitled "integrated support for the juvenile prison population of Nicaragua" is the first experiment which the National Commission for the Promotion and Defence of the Rights of the Child, in conjunction with the National Prison System, is undertaking with differentiated treatment for a particular group of prisoners comprising special prison staff and a team of civilian experts, with the aim of the effective reintegration of young offenders in their families and in society.

6. EFFECTS OF HURRICANE MITCH ON NICARAGUAN CHILDREN

111. In October 1998, Nicaragua was hit by hurricane Mitch, which swept through all the Central American countries. This has been described as one of the most violent natural disasters in history, in terms of both human cost and damage caused.

112. As a result of the hurricane, some 870,000 Nicaraguans - or 18 per cent of the population - suffered loss or injury; of this figure 45 per cent are

children and 2,400 were killed. 1/ Most of the victims belong to low-income groups and it is precisely these groups who live in high-risk areas which accordingly have no commercial value.

113. The damage caused by hurricane Mitch was closely linked to the cycle of ecological deterioration, the earth being unable to absorb the huge amount of rainfall. This gave rise to flooding and land slides. In these circumstances and in view of the lack of sanitation infrastructure and drinking water, the areas where the poor live are conducive to the spread of infectious diseases.

114. In addition to the effects on people and the country's infrastructure, there are worrying effects on the general state of health of the population, in terms of not only their physical health but also their mental health. The children living in the vicinity of Cerro Casitas were the most seriously affected by landslides on that mountain.

115. The destruction of dwellings, the deterioration of sanitation and the loss of jobs and crops have had a direct impact on the living conditions of children and women. Crop losses amounted to 43 per cent and losses of basic grains were 29 per cent; the road network, three electric generating plants and 18 substations were damaged. Reservoirs, pumping stations and pipes, among other things, were also damaged. 1/

116. As to GDP, the destructive effects of the hurricane on the Nicaraguan economy caused a slowdown in economic growth in 1998 from an estimated total of 6 per cent to 3.6 per cent. Agricultural losses accounted for 67.3 per cent of the slowdown. 1/

117. In this context, it is the children who are most seriously affected. As a social group, they are suffering directly from the consequences of hurricane Mitch; they are facing the greatest risks in terms of health because of the economic conditions we have mentioned. Their educational expectations may be cut short; fathers are out of work, having lost their harvest. They are also suffering psycho-social problems since they are highly sensitive to changes in their environment.

118. Psycho-social effects: Various studies indicate that the post-traumatic effects of any disaster are greater among children, who constitute one of the most vulnerable groups. In accordance with diagnoses undertaken by a number of institutions and organizations, and also data supplied by the health personnel of a number of affected towns, the following symptoms have been noted in child victims of hurricane Mitch:

(a) Sleep disturbance;

(b) Loss of appetite;

(c) Withdrawal;

1/ Government of Nicaragua, Preliminary estimate of damage caused by hurricane Mitch, Second report, Managua, November 1998.

(d) Loneliness;

(e) Aggressiveness;

(f) Insecurity;

(g) Fear.

119. When these children's homes were destroyed, they were placed in schools which were used as shelters and as a means of solving immediate problems. It was an emergency measure but overcrowding is still a problem. In addition, the children are suffering as a result of the disruption of their daily routines and are unable to take part in recreational activities appropriate to their age.

120. The children living in the vicinity of Casitas volcano suffered greater shock than children from other communities since they witnessed violent death, were separated from their parents and relatives, and were obliged to abandon their environment and their belongings.

121. All these experiences may have harmful consequences for their psycho-social development unless they are given timely care. It should be mentioned that their adult relatives have also been affected by the stress which accompanies the prospect of joblessness and the daily necessity of meeting basic needs such as eating.

122. Effects in terms of education: Of the 7,685 schools in Nicaragua a total of 655 were affected, 400 being damaged and 255 completely destroyed. A total of 1,600 classrooms, 64,000 desks and 294,000 textbooks were destroyed, at a cost of US$ 51.3 million. 1/

123. The next school year needs to begin in practically normal conditions and so the reconstruction programme establishes as a priority the repair of all damaged schools in the first quarter of 1999.

124. The investment required to rehabilitate this sector is US$ 34.3 million. To date the only source of financing is the Emergency Social Investment Fund, although a specific amount of financing has not yet been determined. The reconstruction programme has been designed for a period of three years. 1/

125. Apart from the problems deriving from the destruction of infrastructure, there is also a high risk of school drop-out because of the financial pressures on the most seriously affected families. This risk is one of the greatest dangers confronting children since, once they begin to work, it is unlikely that they will go back to school.

126. Effects on health: Because of low levels of hygiene and sanitation in the most seriously affected areas, there have been outbreaks of disease, mainly acute respiratory infections and diarrhoea. According to figures from the Ministry of Health, as a result of hurricane Mitch there has been an increase in the mortality rate, especially in the 1-4 age group, due to diarrhoea and pneumonia.

127. However, because of the contamination and stagnation of water, outbreaks of cholera, malaria and dengue fever may be expected in the medium term, with a much greater risk of mortality than for acute diarrhoea. Owing to the destruction of latrines and other excreta-disposal systems risks are increasing in the most seriously affected areas.

128. Severe malnutrition and deficiencies in micronutrients are chronic in the child population of the poor rural areas. This situation increases the risk of sickness and mortality. The problem has now been further complicated by the hurricane, since the destruction of a number of small plots containing crops for self-consumption, and in particular the loss of sources of work, places many families in a situation of very high nutritional risk. As in the case of health problems, the child population at greatest nutritional risk is that currently accommodated in the shelters.

129. In terms of infrastructure, 54.9 per cent of clinics and 62.6 per cent of health centres were affected. In establishing the reconstruction programme for this sector, it was decided that during the first half of 1999 priority should be given to the rehabilitation of damaged clinics and health centres. 1/

130. The rehabilitation and reconstruction of affected health units will require an approximate total of US$ 69.7 million, including the equipment necessary for their operation. 1/

6.1 Measures taken

131. Recapitulating the Government's second report on damage caused by hurricane Mitch, broadly speaking it may be said that the strategy for the reconstruction of the country is to maintain and continue the economic programme of austerity and structural reform, and thereby avoid destroying achievements and ensure sustainable development.

132. An action plan has been formulated and six working commissions have been organized, defining criteria for the prioritization of the preliminary inventory of financial requirements for national reconstruction. This will require US$ 1,576.8 million over three years in order to rehabilitate all the sectors damaged by hurricane Mitch. The priority areas include health and education.

133. Once the actions to be taken by the Government have been defined, it will request the international community, as embodied in multilateral organizations, the Paris Club and friendly countries which are not members of the Paris Club, to collaborate closely with it in carrying out the task of national transformation.

6.2 Actions undertaken for children

134. At present the "Return of Happiness" project is being carried out on the basis of courses of action in two areas - health and education. These complement each other and involve other organizations and bodies.

135. The overall objective of this project is to seek to achieve the psycho-social rehabilitation of Nicaraguan children affected by hurricane Mitch through the implementation of a global intervention strategy covering the communities of the affected municipalities.

136. One of the specific objectives is to establish an "educational bridge" which will serve as a support for the training process under way in Nicaragua and as a mechanism for the psycho-social rehabilitation of the various players in the education system. In addition, direct attention will be paid to the mental health of boys and girls who need it as part of the integrated care of children by the "mobile health brigades" (made up of multidisciplinary teams), which ensure community-level coverage of the places most seriously affected by the disaster.

137. The school year was about one month short of its conclusion at the time when hurricane Mitch struck. The Ministry of Education accordingly took a number of measures, such as the automatic promotion of pupils who had passed in all their subjects; those who had not passed in a particular subject were made to follow a remedial plan in order to bring them up to the necessary standard. This entailed the improvisation of school facilities, and in places where schools are not repaired by the beginning of the next school year, tents will be provided.

138. Another activity undertaken is the programme of integrated treatment of diseases prevalent in childhood, these diseases being diarrhoea, acute respiratory infections and meningitis. In addition, a health intervention and prevention package was expanded so as to have an immediate impact on priority problems when it was given on "Vaccination Day", which was in fact extended. Medicines were supplied to all health centres and clinics, and chlorine and the rat-poison "Biorat" were distributed to the whole population.

139. As regards mental health, the Ministry of Health's mental health programme has strengthened a number of direct intervention activities in aid of affected populations. These activities have permitted the interdisciplinary strengthening of the Ministry of Health at the central and local levels, and have facilitated intrasectoral and intersectoral coordination through implementation of the "Return of Happiness" project.

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